IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

Crl.MC.No. 371 of 2007()

AGAINST THE ORDER DATED 20/12/2006 IN CRMP 3519/06 IN CRA.1209/2006 of SESSIONS COURT, TRIVANDRUM

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PETITIONER/APPELLANT:

VENUGOPAL K., ELECTRICAL HELPER
KERALA FILM DEVELOPMENT CORPORATION
KALABHAVAN THEATRE, VAZHUTHACAUD
TRIVANDRUM.

BY ADV. SRI.V.RAJAGOPAL
SRI.K.N.CHATHUKUTTY

RESPONDENTS/RESPONDENTS:

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1. MEJO STALIN, W/O. STALIN FRANKLIN
SANTHOSH BHAVAN, PUTHUKURICHY
KADINAMKULAM, TRIVANDRUM.

2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 371 of 2007

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Dated this the 14th day of February, 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the N.I. Act. He preferred an appeal. The learned Sessions Judge directed suspension of execution of sentence on condition that he deposits an amount of Rs.25,000/- (out of the cheque amount of Rs. 3 lakhs) and executes a bond. The petitioner claims to be aggrieved by the said order.

2. What is the grievance? The jurisdictional competence of the learned Sessions Judge to impose such a condition is not disputed. No contentions are urged that the petitioner has such a good case that a direction for deposit of any amount was unnecessary. The short contention raised is that such a condition need not have been imposed at all and that at any rate reasonable time must have been given to the petitioner to raise the amount and deposit the same to avoid the unenviable predicament of the sentence being executed against him before the appeal is disposed of. It is further pointed out that the petitioner is a government employee.

3. I do not find any vice in the impugned order, which can persuade me to invoke the extra ordinary inherent jurisdiction under Section 482 Cr.P.C. However, in the circumstances of the case, I am satisfied that the petitioner can be granted time till 31.3.2007 to make the payment and avoid the execution of the sentence. If the petitioner is unable to raise the amount, the petitioner can file a petition before the learned Sessions Judge within a period of 10 days from this date to get his appeal taken up out of turn. The learned Sessions Judge must consider such application and pass appropriate orders and ensure disposal of the appeal prior to 313.2007.

4. This Crl.M.C. is hence dismissed.

(R. BASANT)
Judge

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